

**4442. Misbranding of "White Eagle Indian Rattlesnake Oil Liniment."
U. S. * * * v. 1 Package * * * of "White Eagle Indian Rattle-
snake Oil Liniment." Default decree of condemnation, forfeiture,
and destruction. (F. & D. No. 6405. I. S. No. 10508-1. S. No. C-337.)**

On September 29, 1915, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of a package containing 51 bottles, more or less, of an article called "White Eagle Indian Rattlesnake Oil Liniment," remaining unsold in the original unbroken package at Chicago, Ill., alleging that the article had been shipped on September 3, 1915, and transported from the State of Kentucky into the State of Illinois, and charging misbranding in violation of the Food and Drugs Act, as amended.

Misbranding was alleged in the libel for the reason that each of the cartons and circulars therein bore a label in words and figures as follows, to wit, "Indian Rattlesnake Oil Liniment," which said statement upon the label of the cartons and circulars aforesaid was misleading in that it purported to state that the article contained rattlesnake oil, whereas, in truth and in fact, it contained no appreciable amount, if any, of rattlesnake oil. Misbranding was alleged for the further reason that each of the cartons bore a label in words and figures as follows, to wit, "The Old Indian Remedy for Rheumatism, Toothache, Pains in Face, Neuralgia, Cuts and Burns, Diphtheria, Catarrh, and Asthma," and contained a circular, which said circular contained statements in words and figures as follows, to wit, "White Eagle's New Senna-Tone and Rattlesnake Oil Liniment Have Gained a Well Earned Reputation by the Remarkable Cures that Have Resulted from Their Use," "A positive remedy for the cure of rheumatism, Catarrh, pains, diphtheria, neuralgia, eczema, stomach worms, stiff joints and muscles," "Thousands of people will testify to its wonderful and miraculous cures. It gives immediate relief and a cure awaits anyone that will use it. It saves hours of suffering and pain. Anyone afflicted with Rheumatism, Catarrh, or Pains in any form, Stiff Joints, Swollen Muscles, Sprains and Bruises, Hay Fever and Asthma, Rattlesnake Oil Liniment will do the work," "Rheumatism—To cure this disease use the remedy both externally and internally, taking ten drops on sugar after each meal," "Diphtheria—Spray the throat every thirty minutes with an atomizer and give ten drops on sugar every two hours. Apply the remedy over the throat and cover it with a warm, wet cloth. Continue the same treatment a few days after a cure has been made, and use the remedy freely on others to prevent the disease from spreading," "Rattlesnake Liniment for Asthma," which said statements upon each of the cartons and circulars were false and fraudulent in that the article did not contain any ingredient or combination of ingredients capable of producing the therapeutic effect claimed for the article as stated upon each of the cartons and in each of the circulars aforesaid.

On November 4, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*